IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.954 of 2006
BANSHI LAL YADAV @ GAUTAM KUMAR YADAV
Versus
STATE OF BIHAR & ORS
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5. 28.8.2008. This application has been preferred against the order dated 1.9.2006 passed by Shri N. Pandey, Judicial Magistrate, Ist Class, Jhanjharpur in C.R. No.905 of 2005, Trial No.2347 of 2006 thereby the petition-complaint petition has been dismissed after enquiry under section 202 Cr.P.C.

Heard the learned counsel for the petitioner as well as the State.

On perusal of the impugned order, it appears that the opposite parties are inlaws of the petitioner. Earlier opposite parties filed a case against the petitioner under section 307 I.P.C. and 27 of the Arms Act. In that very case, cognizance has already been taken. Petitioner was also arrested in that case and sent to jail. When the petitioner was released on bail, he had filed a case against the inlaws.

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It further appears that the case was investigated by the police and not only submitted final form but also recommended for initiation of criminal prosecution under sections 182 and 211 of the I.P.C. against the petitioner. Thereafter, the petitioner filed a protest petition. The learned lower court after consideration of the evidence did not find sufficient material for issue of process against the opposite parties.

In the facts and circumstances, I am also of the view that the

court below has rightly rejected the complaint petition which does not require any interference.

Accordingly, this application is dismissed.

(Ghanshyam Prasad)

N.H./

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